

State of Arizona
Senate
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 303

SENATE BILL 1085

AN ACT

AMENDING SECTIONS 49-836 AND 49-881, ARIZONA REVISED STATUTES; RELATING TO
SOLID WASTE MANAGEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 49-836, Arizona Revised Statutes, is amended to
3 read:

4 49-836. Solid waste landfill disposal fees

5 A. Each operator of a solid waste landfill or facility shall make the
6 fee payments required by this section as determined by the
7 department. Monies from fees shall be deposited in the recycling fund
8 established pursuant to section 49-837 AND THE SOLID WASTE FEE FUND
9 ESTABLISHED PURSUANT TO SECTION 49-881. Fees shall be calculated and paid
10 as follows:

11 1. A disposal fee of twenty-five cents for each six cubic yards of
12 uncompacted solid waste, twenty-five cents for each three cubic yards of
13 compacted solid waste or twenty-five cents per ton of solid waste received
14 at landfills regulated by the department. FROM AND AFTER JUNE 30, 2004, FOR
15 EACH TWENTY-FIVE CENTS COLLECTED IN DISPOSAL FEES, TWELVE AND ONE-HALF CENTS
16 SHALL BE DEPOSITED IN THE RECYCLING FUND AND TWELVE AND ONE-HALF CENTS SHALL
17 BE DEPOSITED IN THE SOLID WASTE FEE FUND. FROM AND AFTER JUNE 30, 2005, ALL
18 TWENTY-FIVE CENTS COLLECTED IN DISPOSAL FEES SHALL BE DEPOSITED IN THE
19 RECYCLING FUND.

20 2. A solid waste landfill that receives only waste generated on site
21 shall compute the fee by using one of the following methods:

22 (a) By actual volume or weight.

23 (b) By estimate based on landfill capacity use, volume or number of
24 waste loads or any other reasonable means for approximating the volume or
25 weight of disposed waste.

26 3. Facilities that generate waste from recycling solid waste, effluent
27 from a secondary wastewater treatment plant or wastewaters shall pay one-half
28 of the fee calculated pursuant to paragraph 1 of this subsection. The
29 maximum annual amount paid by a facility for on-site disposal of waste
30 generated from recycling shall not exceed fifteen thousand dollars. The fee
31 for these facilities may be computed based on the dry or dewatered weight or
32 volume of the waste generated from recycling.

33 B. Each fee payment shall be accompanied by a form prepared and
34 furnished by the department and completed by the operator. The form shall
35 state the total volume or weight of solid waste disposed of at that landfill
36 during the payment period and shall provide any other information deemed
37 necessary by the department. The form shall be signed by the operator.

38 C. A person who for a fee disposes of waste in a solid waste landfill
39 that is not regulated by the department shall keep accurate records of the
40 waste disposed of in those landfills and shall remit a fee to the department
41 at the same rate and in the same manner as provided in subsection A of this
42 section.

43 D. For solid waste landfills THAT ARE operated pursuant to section
44 49-741 which AND THAT do not have on-site operators or scales, the fee shall
45 be based on a formula which multiplies the population of the political

1 subdivisions served by the landfill by seven cents. FROM AND AFTER JUNE 30,
2 2004, THREE AND ONE-HALF CENTS OF THE SEVEN CENTS SHALL BE DEPOSITED IN THE
3 RECYCLING FUND AND THREE AND ONE-HALF CENTS OF THE SEVEN CENTS SHALL BE
4 DEPOSITED IN THE SOLID WASTE FEE FUND. FROM AND AFTER JUNE 30, 2005, ALL
5 SEVEN CENTS SHALL BE DEPOSITED IN THE RECYCLING FUND. The fee shall be paid
6 in the same manner as provided in subsection A of this section.

7 E. The provisions of this section do not apply to:

8 1. Persons disposing of a load containing less than six cubic yards
9 of uncompacted solid waste or three cubic yards of compacted solid waste.

10 2. A site used solely for the reclamation of land through the
11 introduction of landscaping rubble or inert material.

12 3. Material produced in connection with a mining or metallurgical
13 operation.

14 F. Solid waste management service companies and agencies affected by
15 the landfill disposal fees established by this section may adjust the fees
16 charged to customers by passing through to the customers the additional
17 costs.

18 Sec. 2. Section 49-881, Arizona Revised Statutes, is amended to read:

19 49-881. Solid waste fee fund; uses; exemption

20 A. A solid waste fee fund is established. The director shall
21 administer the fund. The fund consists of legislative appropriations,
22 donations, gifts, grants, waste tire administrative monies distributed
23 pursuant to section 44-1305, subsection B, paragraph 1, solid waste landfill
24 registration fees from section 49-747, solid waste fees collected pursuant
25 to section 49-762.03, subsection F, special waste management plan fees
26 collected pursuant to section 49-857, special waste management fees collected
27 pursuant to section 49-863, private consultants expedited plan review fees
28 collected pursuant to section 49-762.03, subsection G, and self-certification
29 filing fees collected pursuant to section 49-762.05, subsection H AND SOLID
30 WASTE LANDFILL DISPOSAL FEES COLLECTED PURSUANT TO SECTION 49-836.

31 B. Monies in the fund are subject to legislative appropriation for
32 solid waste control programs established in the funding sources pursuant to
33 subsection A of this section and as determined by the director.

34 C. On notice from the director, the state treasurer shall invest and
35 divest monies in the fund as provided in section 35-313, and monies earned
36 from investment shall be credited to the fund. Monies deposited in the fund
37 are exempt from the provisions of section 35-190 relating to lapsing of
38 appropriations.

APPROVED BY THE GOVERNOR JUNE 1, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 1, 2004.

Passed the House May 10, 2004

by the following vote: 31 Ayes,

20 Nays, 9 Not Voting

Jake Flake
Speaker of the House

Thomas L. Moore
Chief Clerk of the House

Passed the Senate March 15, 2004

by the following vote: 23 Ayes,

6 Nays, 1 Not Voting

Klu Plunett
President of the Senate

Charmion Billington
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1085

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate May 25, 2004,

by the following vote: 26 Ayes,

2 Nays, 2 Not Voting

Kelli Blumett
President of the Senate
Charmian B. Westwood
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

25th day of May, 2004,

at 1:13 o'clock P. M.

Vernice Upmar
Secretary to the Governor

Approved this 1 day of

June, 2004,

at 3⁴⁵ o'clock P. M.

Jeffrey R. Miller
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 1 day of June, 2004

at 4:38 o'clock P. M.

Janice L. Brewer
Secretary of State

S.B. 1085